

fixed terrestrial service in the 12.2-2.7 GHz band only from an applicant that "will employ terrestrial service technology under the license that has been successfully demonstrated with operational equipment that the application has furnished for testing pursuant to section 1012 of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. §1110) and certifies in its application that it has authority to use such terrestrial service technology under the license." See proposed bill at §3 (b)(1)(B)(i). This bill will also require a license to build out the system covered by the license within five years of the grant of the license. See proposed bill at §3 (c).

These requirements will ensure that the FCC issues licenses promptly and in a fair and constitutional manner to qualified applicants (i.e., any party that demonstrates its own technology can share spectrum with satellites would be eligible for a license). This bill will finally enable consumers to enjoy an important new competitive service that is so long overdue.

Seldom does one bill protect private property rights, increase competition, and provide more service options for the public. I am happy to report that this bill accomplishes all three. I commend you for authoring this important legislation and ask that you call upon me if any can be of any assistance to help secure its passage.

Yours truly,

NANCIE G. MARZULLA.

Mr. BURNS. Mr. President, today I rise with my colleague from Louisiana, Sen. LANDRIEU, to introduce the "Emergency Communications and Competition Act of 2002" or "ECCA."

This bill will build upon previous legislation I authored, the LOCAL TV Act, to help ensure that all local TV stations, not just those in the largest markets are available to consumers. As a former broadcaster, I know Montana has some of the smallest of the Nations' 210 television markets, from 169th-ranked Missoula all the way down to 210th-ranked Glendive.

Today, the satellite operators provide local channels in 52 markets. I'm not crossing my fingers that they will get to Glendive anytime soon. That's why we need this legislation. It will enable the rapid deployment of the new Multichannel Video Programming and Data Distribution Service, MVDDS, which the Federal Communications Commission authorized earlier this year.

I commend the FCC for authorizing this new service, it not only promises to bring local channels to all markets, regardless of size, but it will also provide broadband Internet access to rural Americans who have no such access today. I expect that the low cost of this wireless technology will translate into low prices for consumers. This is precisely the kind of innovative new technology we should encourage and promote.

I am most concerned, however, that unless we pass this legislation, we may never see the deployment of this new service. The FCC has determined that licenses for this new service should be auctioned. I appreciate the FCC's effort to help generate new revenues for the Federal Treasury, but we must never

let that consideration override good public policy judgments. The public interest is best served when the spectrum is licensed promptly to applicants that are ready to deploy service.

While auctions make sense in many instances, this is not always the case. Two years ago, Congress passed the ORBIT Act, legislation I authored which, in part, exempted from auctions "spectrum used for the provision of international or global satellite communications services."

We are now confronted with a case of first impression in which the FCC has determined to issue licenses to both terrestrial and satellite applicants that share the same spectrum. Previously this was thought to be technologically impossible, as I mentioned, the FCC has now determined that the terrestrial-based MVDDS can share with satellites. In my judgment, the same Federal resource must be licensed in the same manner to all applicants, regardless of the technology they will employ. To do otherwise is to pick industry winners and losers. This bill corrects this problem.

#### AMENDMENT SUBMITTED AND PROPOSED

SA 4516. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4517. Mr. ENZI (for himself, Mr. GRASSLEY, Mr. HAGEL, and Mr. FEINGOLD) proposed an amendment to amendment SA 4480 proposed by Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4518. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) proposed an amendment to amendment SA 4480 proposed by Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4519. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4520. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4521. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4522. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4523. Mr. REID (for Mrs. BOXER) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4524. Mr. BURNS (for Mr. BENNETT) proposed an amendment to amendment SA 4472

proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4525. Mr. REID (for Mr. CLELAND (for himself, Mr. THOMPSON, Mr. AKAKA, and Mr. GRAHAM)) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4526. Mr. REID proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4527. Mr. BURNS (for Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4528. Mr. REID proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4529. Mr. BURNS (for Mr. THOMAS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4530. Mr. WARNER (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4531. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which as ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4516.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related Agencies for the fiscal year ending September 30, 2003 and for other purposes; which was ordered to lie on the table.

On page 14, beginning on line 11 strike "\$42,682,000, to remain available until expended;" and insert "\$42,882,000, to remain available until expended, of which \$200,000 shall be made available for the Caddo Lake Ramsar Wetland Science Center, Texas, and;"

On page 25, line 7, strike "\$238,205,000" and insert "\$238,005,000".

On page 25, line 12, after "Act," insert "of which \$4,800,000 is for the Big Thicket National Preserve, Texas; and;"

**SA 4517.** Mr. ENZI (for himself, Mr. GRASSLEY, Mr. HAGEL, and Mr. FEINGOLD) proposed an amendment to amendment SA 4480 proposed by Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the amendment, add the following:

#### SEC. 3. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking "\$40,000" each place it appears and inserting "\$17,500";

(2) in subsection (c), by striking "\$65,000" each place it appears and inserting "\$32,500"; and